



Price Agreement Amendment

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

V E N D O R	KEVILLE ENTERPRISES INC 475 SCHOOL ST STE 11 MARSHFIELD MA 02050	INSPECT/TEST STRUCTURAL STEEL Amendment Date: 05/23/2003 Original Award Date: 01/23/2003 Buyer: MOYNIHAN, JEROME D Phone #: (401) 222 - 2142 ext. 119 FOB: F.O.B., Destination Terms: Net 30	Change Order Number 1 Award Number 68M00265195 Effective Period: 02/01/2003 - 01/31/2008

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Change Order Note: CHANGE ORDER #1

Department			Bid Number	C/O Req #
ADMINISTRATION		MPA-324	B01457	
Item	Class-Item	Bid #	Requisition #	Unit Price
31.0	COMPENSATION TYPE - REIMBURSEMENT FOR TRAVEL AT COST. RATE OF REIMBURSEMENT SET AT \$1 FOR EACH \$1 OF ALLOWABLE EXPENSES. Change Order for Item #31 Unit Cost was/were changed.			DAY 1.00
32.0	DESCRIPTION AND PRICING WAS INCORRECTLY STATED. YEAR 2 - HOTEL AT COST IF NEEDED Change Order for Item #32 Item cancelled. Corrected by line item #31			DAY 40.00
33.0	YEAR 3 - HOTEL AT COST IF NEEDED Change Order for Item #33 Item cancelled. Corrected by line item #31			DAY 40.00
34.0	YEAR 4 - HOTEL AT COST IF NEEDED Change Order for Item #34 Item cancelled. Corrected by line item #31			DAY 40.00
35.0	YEAR 5 - HOTEL AT COST IF NEEDED Change Order for Item #35 Item cancelled. Corrected by line item #31			DAY 40.00

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at www.purchasing.state.ri.us.

Delivery of goods or services as described herein shall be deemed acceptance of these requirements.

STATE PURCHASING AGENT/DESIGNEE	
ACCOUNTING	DATE RELEASED



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PROVIDENCE RI 02908

V E N D O R	KEVILLE ENTERPRISES INC 475 SCHOOL ST STE 11 MARSHFIELD MA 02050	INSPECT/TEST STRUCTURAL STEEL Amendment Date: 05/23/2003 Original Award Date: 01/23/2003 Buyer: MOYNIHAN, JEROME D Phone #: (401) 222 - 2142 ext. 119 FOB: F.O.B., Destination Terms: Net 30	Change Order Number 1 Award Number 68M00265195 Effective Period: 02/01/2003 - 01/31/2008
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S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA
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I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA
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Change Order Note: CHANGE ORDER #1

Department				Bid Number	C/O Req #
ADMINISTRATION		MPA-324		B01457	
Item	Class-Item	Bid #	Requisition #	Unit	Unit Price
36.0	YEAR 1 - PER DIEM			DAY	5.00
	Change Order for Item #36 A new item was added to the PO				
37.0	YEAR 2 - PER DIEM			DAY	5.00
	Change Order for Item #37 A new item was added to the PO				
38.0	YEAR 3 - PER DIEM			DAY	5.00
	Change Order for Item #38 A new item was added to the PO				
39.0	YEAR 4 - PER DIEM			DAY	5.00
	Change Order for Item #39 A new item was added to the PO				
40.0	YEAR 5 - PER DIEM			DAY	5.00
	Change Order for Item #40 A new item was added to the PO				
41.0	YEAR 1 - MILEAGE			MILE	.36
	Change Order for Item #41 A new item was added to the PO				

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

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KEVILLE ENTERPRISES INC
475 SCHOOL ST
STE 11
MARSHFIELD MA 02050

INSPECT/TEST STRUCTURAL STEEL

Amendment Date: 05/23/2003
Original Award Date: 01/23/2003
Buyer: MOYNIHAN, JEROME D
Phone #: (401) 222 - 2142 ext. 119
FOB: F.O.B., Destination

Terms: Net 30

Change Order Number

1

Award Number

68M00265195

Effective Period:

02/01/2003 - 01/31/2008

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ADMINISTRATION
MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

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MASTER PRICE AGREEMENT
RELEASE AGAINST RI MPA

Change Order Note: CHANGE ORDER #1

Department				Bid Number	C/O Req #
ADMINISTRATION		MPA-324		B01457	
Item	Class-Item	Bid #	Requisition #	Unit	Unit Price
42.0	YEAR 2 - MILEAGE			MILE	.36
	Change Order for Item #42 A new item was added to the PO				
43.0	YEAR 3 - MILEAGE			MILE	.36
	Change Order for Item #43 A new item was added to the PO				
44.0	YEAR 4 - MILEAGE			MILE	.36
	Change Order for Item #44 A new item was added to the PO				
45.0	YEAR 5 - MILEAGE			MILE	.36
	Change Order for Item #45 A new item was added to the PO				
46.0	YEAR 1 - MEALS PER DIEM			DAY	24.00
	Change Order for Item #46 A new item was added to the PO				
47.0	YEAR 2 - MEALS PER DIEM			DAY	24.00
	Change Order for Item #47 A new item was added to the PO				

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

V E N D O R	KEVILLE ENTERPRISES INC	INSPECT/TEST STRUCTURAL STEEL Amendment Date: 05/23/2003 Original Award Date: 01/23/2003 Buyer: MOYNIHAN, JEROME D Phone #: (401) 222 - 2142 ext. 119 FOB: F.O.B., Destination Terms: Net 30	Change Order Number 1 Award Number 68M00265195 Effective Period: 02/01/2003 - 01/31/2008
	475 SCHOOL ST		
	STE 11		
	MARSHFIELD MA 02050		

S H I P T O	ADMINISTRATION	I N V O I C E	ADMINISTRATION
	MASTER PRICE AGREEMENT		MASTER PRICE AGREEMENT
	RELEASE AGAINST RI MPA		RELEASE AGAINST RI MPA

Change Order Note: CHANGE ORDER #1

Department					Bid Number	C/O Req #
ADMINISTRATION				MPA-324	B01457	
Item	Class-Item	Bid #	Requisition #		Unit	Unit Price
48.0	YEAR 3 - MEALS PER DIEM				DAY	24.00
	Change Order for Item#48 A new item was added to the PO					
49.0	YEAR 4 - MEALS PER DIEM				DAY	24.00
	Change Order for Item #49 A new item was added to the PO					
50.0	YEAR 5 - MEALS PER DIEM				DAY	24.00
	Change Order for Item #50 A new item was added to the PO					

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Notice of Price Agreement Award

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CAPITOL HILL
PROVIDENCE RI 02908

V E N D O R	KEVILLE ENTERPRISES INC 475 SCHOOL ST STE 11 MARSHFIELD MA 02050		INSPECT/TEST STRUCTURAL STEEL	
			Award Number 68M00265195	Effective Period: 2/1/03 - 1/31/08
S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA		ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	
	Date: 01/23/2003 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30			
Department			Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457	
Item			Unit	Unit Price
	2/1/03 - 1/31/08 MASTER PRICE AGREEMENT #324 ON-CALL SHOP INSPECTION AND TESTING SERVICES FOR STRUCTURAL STEEL MATERIALS THIS IS A NOTICE OF AWARD, NOT AN ORDER. Any quantity reference in the agreement or in the bid preceding it are estimates only and do not represent a commitment on the part of the state to any level of billing activity, other than for quantities or volumes specifically released during the term. No action is to be taken except as specifically authorized, as described herein under AUTHORIZATION AND RELEASE. ENTIRE AGREEMENT - This NOTICE OF AWARD, with all attachments, and any release(s) against it shall be subject to: (1) the specifications, terms and conditions set forth in the Request/Bid Number cited herein, (2) the General Terms and Conditions of Contracts for the State of Rhode Island and (3) all provisions of, and the Rules and Regulations promulgated pursuant to, Title 37, Chapter 2 of the General Laws of the State of Rhode Island. This NOTICE shall constitute the entire agreement between the State of Rhode Island and the Vendor. No assignment of rights or responsibility will be permitted except with the express written permission of the State Purchasing Agent or his designee. CANCELLATION, TERMINATION and EXTENSION - This Price Agreement shall automatically terminate as of the date(s) described under CONTRACT PERIOD unless this Price Agreement is altered by formal amendment by the State Purchasing Agent or his designee upon mutual agreement between the State and the Vendor. AUTHORIZATION AND RELEASE. In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency.			

This Notice of Award/Purchase Order is issued in accordance with the specific requirements described herein and the State's Purchasing Regulations and General Conditions of Purchase, copies of which are available at www.purchasing.state.ri.us. Delivery of goods or services as described herein shall be deemed acceptance of these requirements.

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V E N D O R	KEVILLE ENTERPRISES INC 475 SCHOOL ST STE 11 MARSHFIELD MA 02050	INSPECT/TEST STRUCTURAL STEEL	
		Award Number 68M00265195	Effective Period: 2/1/03 - 1/31/08

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 01/23/2003 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department		Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457
Item		Unit	Unit Price
	<p>A Direct Purchase Order (DPO) shall be created by the agency listing the items ordered, using the pricing and format set forth in the Master Blanket. All pricing shall be as described in the Master Blanket and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected in Master Blanket.</p> <p>STATEWIDE APPLICABILITY - Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).</p> <p>THIS PURCHASE ORDER IS AWARDED SUBJECT TO EQUAL OPPORTUNITY COMPLIANCE.</p> <p>EVERY PERSON OR BUSINESS ENTITY PROVIDING GOODS OR SERVICES AT A COST OF \$5000 CUMULATED VALUE IS REQUIRED TO FILE AN AFFIDAVIT REGARDING POLITICAL CAMPAIGN CONTRIBUTIONS WITH THE RI STATE BOARD OF ELECTIONS EVEN IF NO REPORTABLE CAMPAIGN CONTRIBUTIONS HAVE BEEN MADE. (RI GENERAL LAW 17-27) FORMS OBTAINED AT BOARD OF ELECTIONS, CAMPAIGN FINANCE DIVISION, 50 BRANCH AVENUE, PROVIDENCE, RI 02904 (401-222-2056)</p> <p>THIS IS A MULTI-YEAR BID/CONTRACT. PER RHODE ISLAND STATE LAW 37-2-33, CONTRACT OBLIGATIONS BEYOND THE CURRENT FISCAL YEAR ARE SUBJECT TO AVAILABILITY OF FUNDS. CONTINUATION OF THE CONTRACT BEYOND THE INITIAL FISCAL YEAR WILL BE AT THE DISCRETION OF THE STATE. TERMINATION MAY BE EFFECTED BY THE STATE BASED UPON DETERMINING FACTORS SUCH AS UNSATISFACTORY PERFORMANCE OR THE DETERMINATION BY THE STATE TO DISCONTINUE THE GOODS/SERVICES, OR TO REVISE THE SCOPE AND NEED FOR THE TYPE OF GOODS/SERVICES; ALSO MANAGEMENT OWNER DETERMINATIONS THAT MAY PRECLUDE THE NEED FOR GOODS/SERVICES.</p>		

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		Award Number 68M00265195	Effective Period: 2/1/03 - 1/31/08

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 01/23/2003 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department			Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457	
Item			Unit	Unit Price
	HOURLY RATES ARE FULLY INCLUSIVE OF ALL DIRECT CHARGES INCLUDING WAGES AND FRINGE BENEFITS, AND ANY AND ALL DIRECT CHARGES INCLUDING ADMINISTRATIVE EXPENSES WITH THE EXCEPTION OF THE PER DIEM ALLOWANCE, AND WITH THE EXCEPTION OF ANY ALLOWABLE MILEAGE EXPENSES, CURRENTLY \$.365 PER MILE, OR AUTHORIZED TRAVEL EXPENSES.			
	INSPECTION CERTIFICATION: AWS/CWI			
	STRAIGHT TIME - HOURLY RATE			
1.0	YEAR 1 - INSPECTION CERTIFICATION: AWS/CWI STRAIGHT TIME - HOURLY RATE		HOUR	60.00
2.0	YEAR 2 - INSPECTION CERTIFICATION: AWS/CWI STRAIGHT TIME - HOURLY RATE		HOUR	62.40
3.0	YEAR 3 - INSPECTION CERTIFICATION: AWS/CWI STRAIGHT TIME - HOURLY RATE		HOUR	64.90
4.0	YEAR 4 - INSPECTION CERTIFICATION: AWS/CWI STRAIGHT TIME - HOURLY RATE		HOUR	67.50
5.0	YEAR 5 - INSPECTION CERTIFICATION: AWS/CWI STRAIGHT TIME - HOURLY RATE		HOUR	70.19
	INSPECTION CERTIFICATION: AWS/CWI OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS			
6.0	YEAR 1 - INSPECTION CERTIFICATION: AWS/CWI OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	90.00

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V E N D O R	KEVILLE ENTERPRISES INC 475 SCHOOL ST STE 11 MARSHFIELD MA 02050	INSPECT/TEST STRUCTURAL STEEL	
		Award Number 68M00265195	Effective Period: 2/1/03 - 1/31/08

S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 01/23/2003 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department			Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457	
Item			Unit	Unit Price
7.0	YEAR 2 - INSPECTION CERTIFICATION: AWS/CWI OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	93.60
8.0	YEAR 3 - INSPECTION CERTIFICATION: AWS/CWI OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	97.34
9.0	YEAR 4 - INSPECTION CERTIFICATION: AWS/CWI OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	101.24
10.0	YEAR 5 - INSPECTION CERTIFICATION: AWS/CWI OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	105.29
	INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT STRAIGHT TIME - HOURLY RATE			
11.0	YEAR 1 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT STRAIGHT TIME - HOURLY RATE		HOUR	60.00
12.0	YEAR 2 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT STRAIGHT TIME - HOURLY RATE		HOUR	62.40
13.0	YEAR 3 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT STRAIGHT TIME - HOURLY RATE		HOUR	64.90
14.0	YEAR 4 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT STRAIGHT TIME - HOURLY RATE		HOUR	67.50
15.0	YEAR 5 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT STRAIGHT TIME - HOURLY RATE		HOUR	70.19

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V E N D O R	KEVILLE ENTERPRISES INC 475 SCHOOL ST STE 11 MARSHFIELD MA 02050	INSPECT/TEST STRUCTURAL STEEL	
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S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 01/23/2003 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department			Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457	
Item		Unit		Unit Price
	INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS			
16.0	YEAR 1 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS	HOUR		90.00
17.0	YEAR 2 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS	HOUR		93.60
18.0	YEAR 3 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS	HOUR		97.34
19.0	YEAR 4 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS	HOUR		101.24
20.0	YEAR 5 - INSPECTION CERTIFICATION: ASNT LEVEL II UT/RT OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS	HOUR		105.29
	INSPECTION CERTIFICATION: NACE SESSION I STRAIGHT TIME - HOURLY RATE			
21.0	YEAR 1 - INSPECTION CERTIFICATION: NACE SESSION I STRAIGHT TIME - HOURLY RATE	HOUR		58.00
22.0	YEAR 2 - INSPECTION CERTIFICATION: NACE SESSION I STRAIGHT TIME - HOURLY RATE	HOUR		60.32
23.0	YEAR 3 - INSPECTION CERTIFICATION: NACE SESSION I STRAIGHT TIME - HOURLY RATE	HOUR		62.73

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S H I P T O	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA	Date: 01/23/2003 Buyer: JEROME MOYNIHAN Shipping: F.O.B., Destination Terms: Net 30	I N V O I C E	ADMINISTRATION MASTER PRICE AGREEMENT RELEASE AGAINST RI MPA

Department			Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457	
Item			Unit	Unit Price
24.0	YEAR 4 - INSPECTION CERTIFICATION: NACE SESSION I STRAIGHT TIME - HOURLY RATE		HOUR	65.24
25.0	YEAR 5 - INSPECTION CERTIFICATION: NACE SESSION I STRAIGHT TIME - HOURLY RATE		HOUR	67.85
	INSPECTION CERTIFICATION: NACE SESSION I OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS			
26.0	YEAR 1 - INSPECTION CERTIFICATION: NACE SESSION I OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	87.00
27.0	YEAR 2 - INSPECTION CERTIFICATION: NACE SESSION I OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	90.48
28.0	YEAR 3 - INSPECTION CERTIFICATION: NACE SESSION I OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	94.10
29.0	YEAR 4 - INSPECTION CERTIFICATION: NACE SESSION I OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	97.86
30.0	YEAR 5 - INSPECTION CERTIFICATION: NACE SESSION I OVERTIME - HOURLY RATE >8 HOURS/DAY, WEEKENDS, HOLIDAYS		HOUR	101.78
	PER DIEM: PRICES ARE TO BE APPLIED TO PRODUCTIVE DAYS ONLY OF INSPECTING/TESTING HOURS SPECIFICALLY TO COVER ANY NECESSARY TELEPHONE, FACSIMILE, COPYING AND OTHER COMMUNICATIONS EXPENSES NOT OTHERWISE INCLUDED IN OVERHEAD, AS WELL AS ANY OTHER MISCELLANEOUS EXPENSES.			

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		Award Number 68M00265195	Effective Period: 2/1/03 - 1/31/08

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Department			Bid Number	Requisition Number
ADMINISTRATION		MPA-324	B01457	
Item			Unit	Unit Price
31.0	YEAR 1 - HOTEL AT COST IF NEEDED		DAY	40.00
32.0	YEAR 2 - HOTEL AT COST IF NEEDED		DAY	40.00
33.0	YEAR 3 - HOTEL AT COST IF NEEDED		DAY	40.00
34.0	YEAR 4 - HOTEL AT COST IF NEEDED		DAY	40.00
35.0	YEAR 5 - HOTEL AT COST IF NEEDED		DAY	40.00
	DELIVERY OF GOODS OR SERVICES AS REQUESTED BY AGENCY.			
	VENDOR TELEPHONE #: 781-837-3884 VENDOR FAX #: 781-837-4091			

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TERMS AND CONDITIONS OF PRICING AGREEMENT

SCOPE AND LIMITATIONS - This Agreement covers requirements as described herein, ordered by State agencies during the Agreement Period. No additional or alternative requirements are covered, unless added to the Agreement by formal amendment by the State Purchasing Agent or his designee.

Under State Purchasing Law, 37-2-54, "no purchase or contract shall be binding on the state or any agency thereof unless approved by the department [of administration] or made under general regulations which the chief purchasing officer may prescribe." Under State Purchasing Regulation 8.2.1.1.2, "any alleged oral agreement or arrangements made by a bidder or contractor with any agency or an employee of the Office of Purchases may be disregarded and shall not be binding on the state."

PRODUCT ACCEPTANCE - All merchandise offered or otherwise provided shall be new, of prime manufacture, and of first quality unless otherwise specified by the State. The State reserves the right to reject all nonconforming goods, and to cause their return for credit or replacement, at the State's option.

- a) Failure by the state to discover latent defect(s) or concealed damage or non-conformance shall not foreclose the State's right to subsequently reject the goods in question.
- b) Formal or informal acceptance by the State of non-conforming goods shall not constitute a precedent for successive receipts or procurements.

Where the vendor fails to cure the defect promptly or replace the goods, the State reserves the right to cancel the Release, contract with a different vendor, and to invoice the original vendor for any differential in price over the original contract price.

ORDER AUTHORIZATION AND RELEASE AGAINST PRICING AGREEMENT

In no event shall the Vendor deliver goods or provide service until such time as a duly authorized release document is certified by the ordering Agency.

State Agencies shall request release as follows: All releases shall reference the Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein.

A Department Purchase Order (DPO) listing the items ordered shall be created by the agency. The agency may mail or fax a copy of the order to the Vendor. In some cases the agency may request delivery by telephone, but must provide the Vendor with a DPO Order Number reference for billing purposes. Vendors are encouraged to require written orders to assure payments are processed accurately and promptly.

DELIVERY – If this is an MPA, Vendor will obtain "ship to" information from each participating agency. This information will be contained in the DPO. APA delivery information will be contained in the Notice of Award.

PRICING - All pricing shall be as described herein, and is considered to be fixed and firm for the term of the Agreement, unless specifically noted to the contrary herein. All prices include prepaid freight. Freight, taxes, surcharges, or other additional charges will not be honored unless reflected herein.

INVOICING – All invoices shall reference the DPO Order Number(s), Price Agreement number, the Contract Issue number, the item(s) covered, and the unit pricing in the same format as described herein. If this is an MPA, Vendor will obtain "bill to" information from each participating agency. This information will be contained in the DPO. APA billing information will be contained in the Notice of Award.

PAYMENT - Invoices for items not received, not priced according to contract or for work not yet performed will not be honored. No payment will be processed to any vendor for whom there is no IRS W-9 on file with the State Controller.